

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MARY DeJULIUS, on behalf of herself
and others similarly situated,

Plaintiff,

VS.

SAND LILY HEALTHCARE, INC.
d/b/a Excell Private Care Services,

Defendant.

CASE NO. 5:22-cv-00453-HE

JOINT MOTION TO STAY PENDING ARBITRATION

Pursuant to the Federal Arbitration Act, 9 U.S.C. § 3, Plaintiff Mary DeJulius (“Plaintiff”) and Defendant Sand Lily Healthcare, Inc. d/b/a Excell Private Care Services (“Defendant”) (collectively, the “Parties”) file this Joint Motion to Stay Pending Arbitration.

Plaintiff filed her Complaint against Defendant on June 2, 2022, alleging violations of the Fair Labor Standards Act, Oklahoma’s Protection of Labor Act, the Americans with Disabilities Act and the Oklahoma Anti-Discrimination Act. *See* Dkt. No. 1. Shortly after Plaintiff filed her Complaint, Defendant provided Plaintiff with a copy of the arbitration agreement (the “Arbitration Agreement”), executed by Plaintiff, which covers the claims in Plaintiff’s lawsuit.

The Parties have now agreed to move this matter into arbitration and stay this case pending the resolution of Plaintiff's claims pursuant to the Arbitration Agreement. As a part of that agreement, the Parties stipulate that, in addition to terms set forth in the

Arbitration Agreement: (1) the Federal Rules of Civil Procedure and Federal Rules of Evidence will apply to the arbitration proceeding; and (2) the entitlement to attorney fees and/or costs is governed by applicable federal and state law and not by any provision of the Arbitration Agreement.

Accordingly, the Parties respectfully request that this Court enter an order compelling the arbitration of this matter and staying this lawsuit pending the outcome of the arbitration proceeding.

Dated: July 27, 2022

Respectfully submitted,

/s/ Amber Hurst (w/permission)
Mark E. Hammons, OBA No. 3784
Amber L. Hurst, OBA No. 21231

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Respectfully submitted,

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